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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,340	11/29/2001	Robert A. Botham	1662-41500 JMH (P01-3632)	6075
22879	7590	04/04/2007	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			ROBERTSON, DAVID	
			ART UNIT	PAPER NUMBER
			3623	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/04/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/997,340	BOTHAM ET AL.
Examiner	Art Unit	
Dave Robertson	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 June 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-23, 25-27, 29-32, 34, 35 and 37-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-23, 25-27, 29-32, 34, 35, and 37-39 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date . 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Prosecution Reopened After Final***

1. Finality of the rejection in the office action of July 28, 2004, is withdrawn.
2. An Appeal Brief had been filed in this application on June 30, 2006. After further consideration of the prosecution history with regard to points on appeal, and upon transfer of the case to a new examiner (for reasons not related to prosecution of the case), a determination was made that for at least one of the representative claims on appeal the art applied was not fully representative of the invention as claimed, or was not fully supported by the rejection made to date. Further, objections to drawings and amendments carried forward into the appeal were judged either mitigated by Applicant's amendments or by arguments made in previous replies. Last, the after-final amendment to the claims (claim 11) previously denied entry was found insubstantial with respect to scope of the claims and is entered as of this office action.
3. Prosecution on all pending claims is reopened.

### ***Response to Amendment***

4. Claims pending as amended in Applicant's reply dated 10/26/2004 are as follows: Claims 24, 28, 33, and 36 are cancelled by Applicant; Claim 11 is amended; Claims 1-23, 25-27, 29-32, 34, 35, and 37-39 are pending.
5. Objections to the drawings as not showing all elements of claim 11 are withdrawn. Any and all remaining objections to the drawings are hereby withdrawn.

6. Amendments to the Specification filed 4/27/2004 in reply to the office action of 2/6/2004 are entered.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 18, and 34 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

8. Claim 2 is objected to because of the following informalities: In the body of the claim, '...codes associate...' should read '...codes associated...' Appropriate correction is requested.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen (US 6,662,193) in view xAssets ("xAM Asset Management Software Overview").

Claims 1 and 18

Christensen teaches a method and system for taking a physical inventory (see at least abstract); creating raw inventory data (see at least column 1 from line 56, user either inputting data or scanning UPC code); transferring the raw inventory data to a server (the Manipulation Module of Figure 3); converting the raw inventory data into an intermediate database (see Conversion Module of Figure 3 and detailed discussion of the process of raw data handling and embodiments described from column 7, line 53; specifically, data input or scanned into the PDA is converted at Step 308 of Figure 5 into a database, an intermediate database prior to reconciliation with the main asset database); creating a copy of the asset management database (Figure 3, the Data file of the Data Control Module of Figure 3); reconciling records in the intermediate database against corresponding records in the copy of the asset management database (see Step 310 of Figure 5); and updating the asset management database with records accepted during the reconciling step (see Step 316 of Figure 5, deliver data to database"); however, Christensen does not expressly teach reconciliation *by way of a web browser.*

It is old and well known in the art that user interfaces for display and manipulation of database information may be programmed by HTML, Java, and various other web-based technologies, the database contents then viewed and manipulated in a web browser, and further, that providing such web interfaces makes software application interfaces more readily and cost-effectively deployable across internet-accessible computer networks. xAssets, for example, teaches xAM Asset Management Software,

which provides access to a Microsoft Access database via Internet Explorer (IE6.0).

While Christensen discloses one embodiment and structure employed for the method of inventory and review by the user module (Figure 3 Item 260 and column 9 from line 12) and reconciliation by the user (see column 12 from line 14), Christensen discloses that such methods may be performed in a variety of hardware contexts including generalized communications networks and hardware, of which the internet (web-based technology) is one. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to provide a user module for viewing and reconciliation of inventory data capture by Christensen, implemented by way of a web browser, as this would have provided a readily available, Windows-compatible, and cost-effectively deployable user interface across internet-accessible computer networks.

As to the point of whether Christensen teaches reconciling an *intermediate database* against a *copy of the main asset management database*, which deserves special attention due to the prosecution history on this point, Christensen, beginning at column 6, line 19, describes an embodiment as shown in Figure 2 which depicts a number of software modules which carry out the inventory data storage, capture, and reconciliation tasks. Christensen expressly states that such modules may be incorporated and combined in various different computers and within various combinations of modules, however, in the embodiment disclosed Christensen does inherently produce a *copy of the main asset database* and a second intermediate database prior to reconciliation:

From column 8, line 5 (and referring to Figure 2), Data File (246) receives data from Database (240) either through Resource Planning Application (244) or through the Interface Module (250). In one embodiment Data File (246) "is a file readable by database (240)" (see column 8, line 8). By obtaining and transferring data from Database (240), Data File (246) is a *copy of the main asset database*.

From column 8, line 60, Christensen describes the data received in the PDA is converted to a data structure and format compatible with the PDA (column 8 from line 60), and then further converted by Conversion Module (256). Thus, within the Manipulation Module (220), there appears a database containing records from the main asset database *and* records from the converted raw inventory data from the PDA. That such records, each constituting separate databases, may, in some embodiments, be combined into an optional database (column 9, line 9), the two sets of data, one from the main database and the other from the PDA, still, the databases exist separately at least prior to and in preparation to reconciliation. Therefore, in at least the embodiment taught by Christensen, and perhaps others according to other embodiments on where specific software modules may be implemented, Christensen inherently teaches an *intermediate database* and a *copy of the main asset database* existing prior to reconciliation.

Claims 2-4, 17, 19, 20

Christensen teaches taking physical inventory with a hand held bar code device and creating and storing inventory data with location codes (column 10 from line 1), and storing the location data and asset (inventory codes) in the PDA (column 8 from line

60). Christensen teaches variations on embodiments including ASCII format (column 8, line 10).

Claim 5, 21, 22, 23

Christensen teaches variations on embodiments for the transferring data steps generally as including communications over computer networks and embodiments where the various defined software modules may be implemented in different hardware. However, Christensen does not expressly teach copying the raw inventory data to a web server via file transfer protocol (ftp). Official notice is taken that it is old and well known in the art of data communications to use file-transfer-protocol (FTP) over computer networks to transfer files, FTP being an provided an efficient and reliable transfer protocol. That Christensen expressly teaches variations known to those skilled in the art and communications by computer networks, it would have been obvious to one of ordinary skill in the art at the time of invention to implement a file transfer via FTP from the PDA to the manipulation module residing some where on the network, as this would have provided an efficient and reliable transfer means for the raw inventory data.

Claims 6 and 8

Christensen expressly teaches variations on embodiments for locations of software modules in hardware, that variations in where the various software modules are implemented and reside (i.e. in which hardware). In such variations the communications of inventory data from the PDA would necessarily pass through, and thus be copied between and among devices *intermediate* to the server residing elsewhere on the network.

Claim 7

Christensen expressly teaches communications by wireless means (see column 4, line 19). Wireless is inherently a means using electromagnetic waves.

Claims 9, 10, 25, 26

Christensen expressly teaches variations on storage and transfer media, that is, by what means files may be transferred (see column 4 at line 10; magnetic disk (floppy disk) or laptop, and see discussion in claim 1 regarding web-based communications).

Claims 11 and 27

Christensen expressly teaches variations on embodiments where modules may implement a database structure known to those in the art, however, Christensen does not expressly teach the database may be SQL. xAssets teaches an SQL server database (see page 2) as one such possible implementation of a database structure for asset management information. It would have been obvious to one of ordinary skill at the time of invention that such an SQL database could be substituted as the database structure suggested by Christensen, as this would have provided an implementation of the database module in a well-known and standardized database structure.

Claims 12-16

Christensen teaches a User Module (Figure 2 (260)) for users to query, analyze, and reconcile inventory data, evaluate staff performance, and generate reports and statistical information (column 9 from line 12), and suggest, with xAssets, doing so in a web browser using Internet Explorer; however, Christensen does not expressly teach an identified user accessing records with a password. Official notice is taken that to ensure

data integrity and security, computer and networked database systems routinely employ user identification and password protections, and that to do so Christensen would have been obvious to one of ordinary skill in the art at the time of invention for the advantages so mentioned.

10. Claims 29-32, 34, 35, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen (US 6,662,193) in view of xAssets ("xAM Asset Management Software Overview"), and further in view of Ekman ("Bar Coding Fixed Asset Inventories", 1992).

Christensen teaches or suggests in view of xAssets, in methods claims 1-23 and 25-27, the elements of claims 29-32, 34, 35, and 37-39, for reasons offered above; however, Christensen does not expressly teach a method of reconciliation that involves placing indicia on a portion of the copied asset management database, updating the asset management database with records without the identifying indicia, and using the indicia to identify asset records *not found* during the inventory.

It is old and well known in the art of asset management and inventory tracking that an asset's physical location may differ from the database entry, and that some assets go missing or failed initially to be input into the asset database. Ekman, for example, teaches a reconciliation approach including affixing a flag to the fixed asset record, then taking a physically inventory and upon a first pass reconciliation identifying by the flag those "exceptions", assets whose locations are not confirmed (see page 60, left column). Further Ekman teaches that users have developed custom reconciliation

programs to deal with this old and well-known problem. Given Ekman, it would have been obvious to one of ordinary skill at the time of invention, to modify Christensen to flag asset records (an indicia) such that upon performing a physical inventory and producing a user generated report (as suggested at column 9, line 20), would have produced the "exception" report taught by Ekman, thus indicating which asset locations where yet to be resolved. Doing so would have provided a more accurate asset inventory and identified which assets were in need of further accounting.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is 571-272-8220. The examiner can normally be reached on 8:15am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dcr

*MH*

*C. Michelle Tarae*  
C. MICHELLE TARAЕ  
PRIMARY EXAMINER